



# PUBLIC NOTICE

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DA 02-3554

## CONSUMER & GOVERNMENTAL AFFAIRS BUREAU ANNOUNCES AN EXTENSION OF TIME TO FILE REPLY COMMENTS ON THE TELEPHONE CONSUMER PROTECTION ACT (TCPA) RULES

CG Docket No. 02-278

Release Date: December 20, 2002

Reply Comment Date: January 31, 2003

On September 18, 2002, the Federal Communications Commission (FCC) released a Notice of Proposed Rulemaking (NPRM) and Memorandum Opinion and Order (MO&O)<sup>1</sup> seeking comment on whether it should revise any of its rules that restrict telemarketing calls and unsolicited faxes and, if so, how. When the NPRM was released, the Federal Trade Commission (FTC) had proposed a number of amendments to its Telemarketing Sales Rule, but had not yet adopted rules based on its proposal. The NPRM noted that the FCC has the option to seek further comment to fully address the interplay between final FTC action and possible Commission action.<sup>2</sup> On December 18, 2002, the FTC released an order establishing a national do-not-call registry and making other changes to its Telemarketing Sales Rule.<sup>3</sup>

To ensure that all interested parties have ample opportunity to comment on possible FCC action in light of the FTC's recent order, the Consumer & Governmental Affairs Bureau (CGB) issues this Public Notice to extend the reply comment period until January 31, 2003.<sup>4</sup> Comments

<sup>1</sup> *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991*, Notice of Proposed Rulemaking and Memorandum Opinion and Order, 17 FCC Rcd 17459, CG Docket No. 02-278 and CC Docket No. 92-90 (**TCPA Order**). In the MO&O section of the TCPA **Order**, the FCC closed and terminated CC Docket No. 92-90 and opened a new docket to address the issues raised in this proceeding.

<sup>2</sup> See **TCPA Order**, 17 FCC Rcd at 17488, para. 49.

<sup>3</sup> See <http://www.ftc.gov/os/2002/12/tsrfrn.pdf>. In the order, the FTC notes that implementation of its do-not-call registry is contingent upon funding from Congress.

<sup>4</sup> On November 20, 2002, CGB released an Order extending the comment and reply comment deadlines until December 9, 2002 and January 8, 2003, respectively. See 67 Fed. Reg. 71 126 (Nov. 29, 2002).

should be filed consistent with the instructions provided in the NPRM, although commenters need only file comments in CG Docket 02-278.

For further information, contact Erica H. McMahon or Richard D. Smith, Policy Division, Consumer & Governmental Affairs Bureau, at (202) 418-2512.

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